

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFERY E. WALKER,)	
)	
Plaintiff(s),)	No. C 08-0802 CRB (PR)
)	
vs.)	ORDER
)	
JOHN DOE, et al.,)	(Docket # 8)
)	
Defendant(s).)	

Plaintiff, a prisoner at the California Medical Facility in Vacaville, filed a pro se complaint for damages under 42 U.S.C. § 1983 alleging that on December 18, 2005, while he was at the San Francisco County Jail, two correctional officers slammed him against a window, hit him in the face and body, forcibly dragged him to his cell and called him derogatory names. Plaintiff only named Doe defendants.

Per order filed on March 14, 2008, the court dismissed the complaint with leave to amend within 30 days. The court explained that plaintiff must identify the Doe defendants through discovery and file a first amended complaint naming them and setting forth specific facts as to how each individual defendant violated his rights.

1 Plaintiff responded with a discovery request for the court. Per order filed
2 on April 15, 2008, the court explained that plaintiff must conduct his own
3 discovery. The court cannot do it for him. But in the interest of justice, plaintiff
4 was afforded 60 days to identify the Doe defendants through discovery and file a
5 first amended complaint.

6 Plaintiff has not filed a first amended complaint. Instead, he recently filed
7 a request for additional time to conduct discovery to identify the Doe defendants.
8 Good cause appearing, plaintiff's request (docket # 8) is GRANTED. Plaintiff
9 will be afforded a final opportunity to identify the Doe defendants (the clerk is
10 sending him a blank subpoena) and file a first amended complaint within 60 days
11 of this order.

12 The first amended complaint must be simple and concise and must include
13 the caption and civil case number used in this order and the words FIRST
14 AMENDED COMPLAINT on the first page. Plaintiff may not file partial
15 amendments to the original complaint. He must file an amended complaint
16 naming all defendants and specifically alleging how each violated his federally
17 protected rights. Claims and defendants not included in the amended complaint
18 will not be considered by the court. See King v. Atiyeh, 814 F.2d 565, 567 (9th
19 Cir. 1987).

20 Failure to file a proper first amended complaint within the designated time
21 will result in the dismissal of this action.

22 SO ORDERED.

23 DATED: July 02, 2008

24 
25 _____
26 CHARLES R. BREYER
27 United States District Judge
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEFFERY EUGENE WALKER,
Plaintiff,

Case Number: CV08-00802 CRB

CERTIFICATE OF SERVICE

v.

JOHN DOE 1 et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jeffery E. Walker F-11343
CMF
P.O. Box 2000
Vacaville, CA 95696-2000

Dated: July 2, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk